

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SIDNEY GORDON, #268126,

Petitioner,

v.

JERI ANN SHERRY,

Respondent.

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Case No. 07-CV-11037

Honorable George Caram Steeh

Magistrate Judge Charles E. Binder

**ORDER OF SUMMARY DISMISSAL**

The Court has before it Sidney Gordon's *pro se* petition for a writ of habeas corpus. The petitioner is a state prisoner currently confined at the Chippewa Correctional Facility in Kincheloe, Michigan. The petitioner did not pay the required filing fee when he filed his petition, nor did he submit a completed application to proceed *in forma pauperis*. See 28 U.S.C. § 1914(a); 28 U.S.C. § 1915; Rule 3 of the Rules Governing § 2254 Cases. The Court, therefore, issued an Order to Correct Deficiency on April 20, 2007 requiring the petitioner to not only either pay the filing fee or submit an *in forma pauperis* application, but also to submit the requisite number of copies for service purposes. The order provided that the case would be dismissed if the petitioner did not submit the copies and the fee or application within 21 days.

Although, the petitioner submitted the requisite number of copies in a timely manner, the time for submitting the filing fee or required information has elapsed and the petitioner has failed to correct that portion of the deficiency. Accordingly, the Court **DISMISSES WITHOUT PREJUDICE** the petition for writ of habeas corpus. The petitioner may submit a new habeas petition with payment of the filing fee or the *in forma pauperis* application.

**SO ORDERED.**

Dated: August 15, 2007

S/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
August 15, 2007, by electronic and/or ordinary mail.

S/Josephine Chaffee  
Deputy Clerk